

EXHIBIT 11

From: "Hirschfield, Marc E." <BH/NEW YORK/RECIPIENTS/MHIRSCHFIELD>
Sent: 4/17/2009 5:24:25 PM +00:00
To: RLevin@cravath.com; RRolfe@cravath.com
CC: "Lucchesi, Thomas" <tlucchesi@bakerlaw.com>; "Cymrot, Mark" <MCymrot@bakerlaw.com>
Subject: Optimal
#300007003v3_SIPC_ - Optimal Settlement Agreement.DOC;
Attachments DV_Comparison_#300007003v1_SIPC_ - Optimal Settlement
: Agreement-#300007003v3_SIPC_ - Optimal Settlement Agreement.rtf

Rich and Ron,

Attached are our preliminary comments on the draft settlement agreement. A few things to note for you: (a) since our conversation last week, SIPC has requested that all settlement agreements require that claimants file claims as opposed to the agreements deeming the claims to have been filed. Accordingly, we have modified the agreement to provide for you to file claims; (b) we would be amenable to your offsetting from your payments to us the \$500,000 SIPC advances. Please let us know if you would like to do that; (c) we are still working our way through the MFN provision and have not commented on it in this draft. We hope to get your comments on that next week; (d) we are still conducting our diligence but what we have done thus far has raised a few questions for which we will need answers before we can proceed with the settlement. Mark will be in touch next week with Ron to discuss this; and (e) the attached has not been reviewed by Irving and accordingly, the draft and the settlement remains subject to his review.

Please let us know if you have any questions.

Best regards,

Marc

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